

HOUSE BILL 378
By Harmon

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 36, Part 2, relative to state police officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-36-205(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1)

(A) Members who are employed as wildlife officers or commissioned members of the alcoholic beverage commission and who are engaged in law enforcement activities on a day-to-day basis, or who have been transferred from such activities to a supervisory or administrative position within the same department or agency for which they served as wildlife officers or commissioned members of the alcoholic beverage commission; provided, that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. A mandatory age requirement shall also apply for members who are employed with the wildlife resources agency as commissioned wildlife area managers, commissioned wildlife lake managers, commissioned boating chiefs, commissioned boating assistant chiefs, commissioned wildlife safety officers, commissioned habitat biologists, commissioned enforcement chiefs or commissioned assistant enforcement chiefs; provided, that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. In cases of doubt, the Tennessee department of personnel shall determine whether the member is employed in a position requiring the mandatory retirement of such member under the provisions of this subdivision

(a)(1). In making any such determination, the department shall apply the applicable definitions contained in chapters 34-37 of this title and in the Age Discrimination in Employment Act. Any member employed in a position requiring mandatory retirement under the provisions of this subsection (a) shall be retired on the first day of the month following the month in which the member attains sixty (60) years of age; and

(B) Members who are employed as state police officers and who are engaged in law enforcement activities on a day-to-day basis, or who have been transferred from such activities to a supervisory or administrative position within the same department or agency for which they served as state police officers; provided, that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. In cases of doubt, the Tennessee department of personnel shall determine whether the member is employed in a position requiring the mandatory retirement of such member under the provisions of this subdivision (a)(1). In making any such determination, the department shall apply the applicable definitions contained in chapters 34-37 of this title and in the Age Discrimination in Employment Act. Any member employed in a position requiring mandatory retirement under the provisions of this subsection (a) shall be retired on the first day of the month following the month in which the member attains sixty-two (62) years of age; and

SECTION 2. Tennessee Code Annotated, Section 8-36-205(a)(3)(A), is amended by deleting the language "subdivision (a)(1) shall" and by substituting instead the language "subdivision (a)(1)(A) shall".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

